

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GURDEV SINGH,)	Case No. 08cv0464-BTM (JMA)
)	A42-967-796
Petitioner,)	
)	
vs.)	EXHIBITS
)	
MICHAEL CHERTOFF, Secretary)	
of Homeland Security, et al.,)	
)	
Respondents.)	

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OPTIONAL FORM 155A, (Rev. 6-85)
DEPT. OF STATE

NSN 7540-01-126-7761

50155-203

IMMIGRANT VISA AND ALIEN REGISTRATION

IV-42,967,796

☐ THE IMMIGRANT HAS
BEEN PREVIOUSLY IN
THE UNITED STATESOF: (Family Name) (First Name) (Middle Name)
SINGH, GURDEV

INS FILE #, IF KNOWN

ACTION BY IMMIGRATION INSPECTOR

THE IMMIGRANT NAMED ABOVE ARRIVED IN THE UNITED
STATES VIA (Name of vessel or flight no. of arrival)INELIGIBILITY FOR VISA
WAIVED UNDER SECTIONU.S. IMMIGRATION
130 SFB 1405

SQ 002

☐ 212(e) ☐ 212(h)
☐ 212(g) ☐ 212(i)

JUN 26 1991

ADMITTED P5-1
UNTIL _____ (CLASS)CITY AND COUNTRY OF BIRTH
BOHANI, INDIAMO-DAY-YR OF BIRTH
28NOV56CITY AND COUNTRY OF LAST RESIDENCE
BOHANI, INDNATIONALITY
INDIAN

MARITAL STATUS

MOTHER'S FIRST NAME

FATHER'S FIRST NAME

☒ M ☐ S ☐ W ☐ D ☐ SEP

PRITAM

SARWAN

FINAL ADDRESS
IN THE UNITED
STATES

STREET ADDRESS, INCLUDE—IN CARE OF & APT# IF APPLICABLE

CITY, STATE, AND ZIP CODE IF AVAILABLE

SURINDER KAUR
3805 AMY COURT 2714 DOWE AVE

UNION CITY, CA

94587

SEC. 212(a)(14)

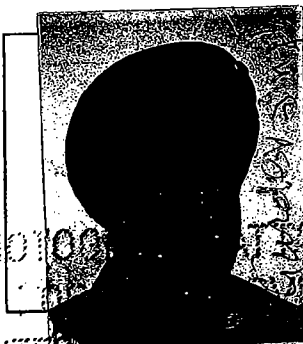
LABOR CERTIFICATION ☐ NOT APPLICABLE ☒ NOT REQUIRED ☐ ATTACHEDOCCUPATION
FFF AGRICULTURESEX M ☒ F ☐

This visa is issued under Section 221 of the Immigration and Nationality Act, and upon the basis of the facts stated in the application. Possession of a visa does not entitle the bearer to enter the United States if at the time he seeks to enter he is found to be inadmissible. Upon arrival in the United States, it must be surrendered to a United States Immigration Officer.

AMERICAN EMBASSY

AT NEW DELHI

Consular Officer of the United States of America



IMMIGRANT CLASSIFICATION

CLASSIFICATION SYMBOL

P5-1

FOREIGN STATE/OTHER AREA LIMITATION

INDIA

IMMIGRANT VISA NO.

NWD8513325301 42967796

ISSUED ON

(Day)

(Month)

(Year)

17MAY91

THE VALIDITY OF THIS VISA EXPIRES MIDNIGHT AT THE END OF

(Day)

(Month)

(Year)

13SEP91

PASSPORT

NO.

X-421746

OR OTHER TRAVEL DOCUMENTS (Describe)

ISSUED
TO

BY

ON

EXPIRES

IV-42,967,796

Tariff No. 21
Fee Paid \$75
Local Cy, Equiv.

ACTION OF I.J.

ACTION ON APPEAL

U.S.P.H.S.

Info given to IRS on date of 1-551
Issuance: Name, Addr, DOB, A#,
Class of Adm, Occup & answers to
Form 9003.

F03134

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE
[NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED]ENDORSED
FILED

CR-290

NOV 3 2005

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTERCLERK OF THE COURT
LAURIE T. ZENGER Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: Sutter

PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT: GURDEV SINGH TUNG

DOB: 11-28-56

CRF02-2287 -A

AKA:

CIN: A11503862

BOOKING #: 34318

☐ NOT PRESENTCOMMITMENT TO STATE PRISON
ABSTRACT OF JUDGMENT☐ AMENDED
ABSTRACT

DATE OF HEARING

10-19-05

DEPT. NO.

A

JUDGE

CHRIS CHANDLER

CLERK

LAURIE T. ZENGER

REPORTER

SHERYL DIRKS

PROBATION NO. OR PROBATION OFFICER

COUNSEL FOR PEOPLE

CAMERON KING

COUNSEL FOR DEFENDANT

MICHAEL BARRETTE

☐ APPTD.

1. Defendant was convicted of the commission of the following felonies:

- ☐
- Additional counts are listed on attachment
-
- (number of pages attached).

CNT.	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			TERM (L, M, U)	CONCURRENT	CONSECUTIVE TO VIOLENT	CONSECUTIVE TO NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE	RE-ENTRY	STATUS	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	COURT	PLEA									YRS.	MOS.
A1	PC	273.5(a)	SPOUSAL ABUSE	2002	09-18-02			X	M								3	0
B1	VC	23152(a)/23550.5	FELONY DUI W/PRIOR	2005	10-19-05			X	M	X							(2)	(0)

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

4. ☐ Defendant was sentenced pursuant to PC 667 (b)-(l) or PC 1170.12 (two-strikes).

5. INCOMPLETED SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES:

7. ☐ Additional indeterminate term (see CR-292).

8. TOTAL TIME EXCLUDING COUNTY JAIL TERM: 3 0

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

2

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: GURDEV SINGH TUNG			
CRF02-2287	-A	CRF05-2096	-B
			-C
			-D

9. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

a. Restitution Fine(s):

Case A: \$	per PC 1202.4(b) forthwith per PC 2085.5;	\$200.00	per PC 1202.45 suspended unless parole is revoked.
Case B: \$400.00	per PC 1202.4(b) forthwith per PC 2085.5;	\$400.00	per PC 1202.45 suspended unless parole is revoked.
Case C: \$	per PC 1202.4(b) forthwith per PC 2085.5;	\$	per PC 1202.45 suspended unless parole is revoked.
Case D: \$	per PC 1202.4(b) forthwith per PC 2085.5;	\$	per PC 1202.45 suspended unless parole is revoked.

b. Restitution per PC 1202.4(f):

Case A: \$	<input type="checkbox"/> Amount to be determined to	<input type="checkbox"/> victim(s)*	<input type="checkbox"/> Restitution Fund
Case B: \$	<input type="checkbox"/> Amount to be determined to	<input type="checkbox"/> victim(s)*	<input type="checkbox"/> Restitution Fund
Case C: \$	<input type="checkbox"/> Amount to be determined to	<input type="checkbox"/> victim(s)*	<input type="checkbox"/> Restitution Fund
Case D: \$	<input type="checkbox"/> Amount to be determined to	<input type="checkbox"/> victim(s)*	<input type="checkbox"/> Restitution Fund

(*List victim name(s) if known and amount breakdown in item 11, below.)

c. Fine(s):

Case A: \$	per PC 1202.5. \$	per VC 23550 or	days	<input type="checkbox"/> county jail	<input type="checkbox"/> prison in lieu of fine	<input type="checkbox"/> CC	<input type="checkbox"/> CS
Case B: \$	per PC 1202.5. \$	per VC 23550 or	days	<input type="checkbox"/> county jail	<input type="checkbox"/> prison in lieu of fine	<input type="checkbox"/> CC	<input type="checkbox"/> CS
Case C: \$	per PC 1202.5. \$	per VC 23550 or	days	<input type="checkbox"/> county jail	<input type="checkbox"/> prison in lieu of fine	<input type="checkbox"/> CC	<input type="checkbox"/> CS
Case D: \$	per PC 1202.5. \$	per VC 23550 or	days	<input type="checkbox"/> county jail	<input type="checkbox"/> prison in lieu of fine	<input type="checkbox"/> CC	<input type="checkbox"/> CS

d. Lab Fee and Drug Program Fee:

Case A: Lab Fee: \$	per HS 11372.5(a) for counts	<input type="checkbox"/> Drug Program Fee of \$150 per HS 11372.7(a).
Case B: Lab Fee: \$	per HS 11372.5(a) for counts	<input type="checkbox"/> Drug Program Fee of \$150 per HS 11372.7(a).
Case C: Lab Fee: \$	per HS 11372.5(a) for counts	<input type="checkbox"/> Drug Program Fee of \$150 per HS 11372.7(a).
Case D: Lab Fee: \$	per HS 11372.5(a) for counts	<input type="checkbox"/> Drug Program Fee of \$150 per HS 11372.7(a).

10. TESTING

a. ☐ AIDS pursuant to PC 1202.1 b. ☐ DNA pursuant to PC 296 c. ☐ other (specify):

11. Other orders (specify):

*In CRF02-2287, any unpaid portion of the previously ordered \$200 restitution fine and \$200 domestic violence fund fine are to be withheld by CDC.

12. EXECUTION OF SENTENCE IMPOSED

- a. ☒ at initial sentencing hearing. B
b. ☐ at resentencing per decision on appeal.
c. ☒ after revocation of probation. A
d. ☐ at resentencing per recall of commitment. (PC 1170(d).)
e. ☐ other (specify):

13. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
A	367	245	122 <input checked="" type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
B	97	65	32 <input checked="" type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
C			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
D			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
Date Sentence Pronounced:		Time Served in State Institution:	
10-19-05		DMH	CDC CRC

14. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.
To be delivered to ☒ the reception center designated by the director of the California Department of Corrections.
☐ other (specify):

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

CLERK OF THE COURT

COUNTY OF BUTTE

DATE

11-3-05

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

COUNTY OF BUTTE

*** MESSAGE RECALL ***
 *** Sequence # 004702 ***

Transaction Time: Wed Sep 6 12:35:25 2006

IC20004702.IH

E: QHY.CA013055C.11503862.F03134 DATE:20060906 TIME:12:35:26
 RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES
 TTN:F03134 SCH A 083106 AMP

 OR CALIFORNIA AGENCIES ONLY - HAS PREVIOUS QUALIFYING

FFENSE. COLLECT DNA IF INCARCERATED, CONFINED, OR ON

PROBATION OR PAROLE FOLLOWING ANY MISDEMEANOR OR FELONY
 CONVICTION. REQUEST KITS AND INFO AT (510) 620-3300 OR
 C296.PC296@DOJ.CA.GOV.

 * PALM PRINT ON FILE AT DOJ FOR ADDITIONAL INFORMATION PLEASE

-MAIL PALM.PRINT@DOJ.CA.GOV

II CALIFORNIA ONLY SOURCE RECORD

II/A11503862

OB/19561128 SEX/M RAC/ASIAN INDIAN

GT/600 WGT/230 EYE/BLK HAI/BLK POB/II

AM/01 TUNG, GURDEV SINGH

02 SINGH, GURDEV

BI/95502XB5

DL/A9415121

OC/604242288 624462288

NN/CDC-F003134

DS/CTZ IN; CTZ II

CC/FARMER; FARM LABOR

* * *

RR/DET/CITE: NAM:01 DOB:19561128
 9960719 CAPD YUBA CITY

NT:01 #96 15030
 415 PC-DISTURB THE PEACE

COURT: NAM:01
 9960808 CAMC YUBA CITY

NT:01 #CRM962165
 415(2) PC-DISTURBS BY LOUD/UNREASONABLE NOISE
 DISPO:CONVICTED

CONV STATUS:MISDEMEANOR

SEN: 24 MONTHS PROBATION, 30 DAYS JAIL

* * *

RR/DET/CITE: NAM:01 DOB:19561128
 9970219 CASO YUBA CITY

NT:01 #97 353
 20002(A) VC-HIT AND RUN:PROPERTY DAMAGE

* * *

RR/DET/CITE: NAM:01 DOB:19561128
 0020908 CASO YUBA CITY

NT:01 #020003847-34318
 422 PC-THREATEN CRIME WITH INTENT TO TERRORIZE

NT:02
 455 PC-ATTEMPT/AID/COUNSEL/PROCURE ARSON

NT:03

4

273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB
COM: PHOTO AVAILABLE
COM: SCN-25022510010

OURT:
0021015 CASC SUTTER NAM:01

NT:01 #CRF-02-2287
SEE COMMENT FOR CHARGE
DISPO:DISMISSED/FURTHERANCE OF JUSTICE
COM: CNT 01 CHRG-273A(B) PC

NT:02
SEE COMMENT FOR CHARGE
DISPO:DISMISSED/FURTHERANCE OF JUSTICE
COM: CNT 02 CHRG-417(A)(1) PC

NT:03
422 PC-THREATEN CRIME WITH INTENT TO TERRORIZE
DISPO:DISMISSED/FURTHERANCE OF JUSTICE

NT:04
SEE COMMENT FOR CHARGE
DISPO:DISMISSED/FURTHERANCE OF JUSTICE
COM: CNT 04 CHRG-273, 5(A) PC

NT:05
455 PC-ATTEMPT/AID/COUNSEL/PROCURE ARSON
DISPO:DISMISSED/FURTHERANCE OF JUSTICE

NT:06
422 PC-THREATEN CRIME WITH INTENT TO TERRORIZE
DISPO:DISMISSED/FURTHERANCE OF JUSTICE

NT:07
SEE COMMENT FOR CHARGE
DISPO:CONVICTED
CONV STATUS:FELONY
SEN: IMP SEN SS 60 MO PROB, 270 DS JL,
COM: CNT 07 CHRG-273, 5(A) PC

0021015
DISPO:DEFENDANT PLEAD GUILTY
DISPO:CHRG&DIRECT CONSEQUENCES OF PLEA
DISPO:DEFENDANT REPRESENTED BY COUNSEL
DISPO:RIGHT TO TRIAL BY JURY WAIVED-YES
DISPO:PRIV AGNST COMPLSRY SLF INCRIM&WAIVE-YES
DISPO:RIGHT CONFRONT&CROSS EXAM WIT&WAIVE-YES
DISPO:DEF COUNSEL CONCURRED DEFNDT PLEA/ADMISS

0021015
DISPO:CRT FIND PLEA KNOWLDGE&INTELLIGNT&VOLUNT
DISPO:CONVICTION CERT BY CLERK OF THE COURT
COM: CONVICTION CERTIFIED BY DIANA LAWRENCE, CLERK,
CASCSTUTTER
COM: DCN-C0161330230100000201

0030514
DISPO:PROBATION MODIFIED
SEN: 90 DAYS JAIL

0051019
DISPO:PROBATION REVOKED
COM: 3 YRS PRISON, CONC W/CRF05-2096
* * * * *
* POTENTIAL FELONY STRIKE ENTRY **
* * * * *
* * *

RR/DET/CITE: NAM:01 DOB:19561128
0030513 CASO YUBA CITY

5

NT:01 #03-0002181-34318
1203.2(A) PC-PROBATION VIOL:ARREST/REVOKE
COM: PHOTO AVAILABLE
COM: ADR-051303 (1450, WYLER ROAD,,, YUBA CITY, CA,
95991,)
COM: SCN-25031330002
* * *

RR/DET/CITE: NAM:01 DOB:19561128
0050814 CAPD YUBA CITY

NT:01 #05-0003743-34318
23152(A)/23152(B) VC-DUI:ALCOHOL/DRUGS
COM: SCN-25052260003
* * *

RR/DET/CITE: NAM:01 DOB:19561128
0050818 CASO YUBA CITY

NT:01 #05-0003813-34318
1203.2 PC-PROBATION VIOL:REARREST/REVOKE
CRT CASE #CRF022287
COM: SCN-25052300011
- - -

COURT: NAM:01
0051019 CASC SUTTER

NT:01 #CRF05-2096
23152(B) VC-DUI ALCOHOL/0.08 PERCENT
DISPO:DISMISSED

NT:02
23152(A) VC-DUI ALCOHOL/DRUGS
-WITH PRIOR
DISPO:CONVICTED
CONV STATUS:MISDEMEANOR
SEN: 2 YEARS PRISON, CONVICTED
COM: SENTENCE CONCURRENT WITH FILE #CRF02-2287:
* * *

USTODY:CDC NAM:01
0051108 CASP. TRACY

NT:01 #F03134 ✓
273.5(A) PC-INFLECT CORPORAL INJ SPOUSE/COHAB
SEN FROM: SUTTER CO CRT #CRF022287
SEN: 3 YEARS PRISON

NT:02
23152(A) VC-DUI ALCOHOL/DRUGS W/PRIORS
SEN FROM: SUTTER CO CRT #CRF052096
SEN: 2 YEARS PRISON
COM: CNT02 CC W-CRF022287
COM: SCN-91353210031
* * * * *

* POTENTIAL FELONY STRIKE ENTRY **
* * * * *

* THE ENTRIES PROVIDED BELOW ARE BASED UPON AN ARREST OR COURT **
* DISPOSITION REPORT. THE SUBJECT OF THE ENTRY HAS BEEN IDENTIFIED *
* WITH THIS RECORD BASED UPON SOFT CRITERIA CONSISTING OF A NAME **
* OR NUMBER MATCH. POSITIVE IDENTIFICATION HAS NOT BEEN MADE **
* BECAUSE FINGERPRINTS WERE NOT RECEIVED FOR THE ENTRIES. USE OF **
* THIS INFORMATION IS THE RECEIVERS RESPONSIBILITY. **

* * *

RR/DET/CITE: NAM:01
9950928 CAPD YUBA CITY

NT:01 #95-22097
NO ARREST RECEIVED

6

OURT: NAM:01
9951023 CAMC YUBA CITY

NT:01 #CRM95-3527
415(2) PC-DISTURBS BY LOUD/UNREASONABLE NOISE
DISPO:DISMISSED
* * *

RR/DET/CITE: NAM:01
9960711 CAPD YUBA CITY

NT:01 #9614424
NO ARREST RECEIVED

NT:02 #9614424
242 PC-BATTERY

OURT: NAM:01
9960808 CAMC YUBA CITY

NT:01 #CRM962137
242 PC-BATTERY
DISPO:CONVICTED
CONV STATUS:MISDEMEANOR
SEN: 24 MONTHS PROBATION, 30 DAYS JAIL,
IMP SEN SS
* * *

RR/DET/CITE: NAM:01
9970106 CAPD YUBA CITY

NT:01 #9700353
NO ARREST RECEIVED

NT:02
SEE COMMENT FOR CHARGE
COM: CHR9-23152 VC

OURT: NAM:01
9970328 CASC SUTTER

NT:01 #CRF970163
23175 VC-DUI W/PRIOR SPECIFIC CONVICTIONS
DISPO:CONVICTED
CONV STATUS:FELONY
COM: 060 MONTH(S) PROBATION, 365 DAY(S) JAIL, \$0
RESTITUTION
COM: DISPO-IMP SEN SS
COM: DCN-C0012601769600004001

9981116
DISPO:PROBATION REINSTATED
COM: 090 DAYS JAIL
* * * * *

* POTENTIAL FELONY STRIKE ENTRY **
* * * * *

NOTE: 3 POTENTIAL ENTRIES WITH FELONY CONVICTION DATA WERE
FOUND FOR THIS SUBJECT. SEE ENTRIES IN THE RECORD ANNOTATED
WITH "POTENTIAL FELONY STRIKE ENTRY" FOR DETAILS. THIS RECORD
MAY ALSO CONTAIN ADDITIONAL DATA RELATED TO "STRIKE" CONDITIONS.

* * *
END OF MESSAGE * * *

7

IN THE SUPERIOR COURT

OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SUTTER

THE PEOPLE OF THE STATE OF CALIFORNIA)

NO. CRF02-2287

vs.)

REPORT OF PROBATION OFFICER

GURDEV SINGH TUNG)

Date of Hearing 10/19/05

Defendant)

LEGAL STATUS

Original Charge: Violation of Section 273.5(a) of the Penal Code, a felony.

Convicted of: Violation of Section 273.5(a) of the Penal Code, a felony.

Guilty by: Stipulated Plea Date: 10/19/05 Judge: ROBERT H. DAMRON

Terms of Stipulated Plea: Imprisoned in CDC for the middle term of 3 years with 367 (245 + 122) days CTS to be served concurrent with CRF02-2287 for the total term of 3 years.

Date of Crime: 9/06/02

Codefendant(s)/Disposition: N/A

Attorney: DOUGLAS TIBBITTS

Probation Officer: CHRISTOPHER M. MONACO

PERSONAL DATA

Name: GURDEV SINGH TUNG

Aka:

Address: 1450 WHYLER RD #32, YUBA CITY, CA 95993

Phone: 822-9922

Age: 48 Date/Birthplace: 11/28/56; INDIA

Race: East Indian Nationality: Religion: Sikh

Ht: 507 Wt: 180 Hair: BLK Eyes: BRN

Date Arrived in State: 1991

County: 1991

U.S.: 1991

Father's Name: Sarwan Tung Occupation: Farmer

Address: Union City, CA

Mother's Name: Pritam K. Tung Occupation: Homemaker

Address: 1450 Whyler Rd. #32, Yuba City, CA

Next of Kin: Havinder Jinda

No. of Brothers: 0 Sisters: 6 Ages: 38-45

Marital Status: Married Spouse: Sukhvinder Kaur Tung

Address: 1450 Whyler Rd. #32, Yuba City, CA

Occupation: Seasonal Farm Worker

Lives with: Sukhvinder K. Tung Relationship: Wife

Education: The defendant completed the 11th Grade.

Military Service: N/A

Type of Discharge: N/A Rank: N/A

Health/Handicaps: According to Sutter County Jail Records, the defendant suffers from diabetes and a "bad" knee.

Substance Abuse History: The defendant reports having never used any forms of controlled substances, however he admits to having a drinking problem, usually drinking whiskey and beer.

Alcohol: The defendant has received multiple reports having never used any forms of controlled substances, however he admits to having a drinking problem, usually drinking whiskey and beer.

Drugs: N/A

DEFENDANT'S CHILDREN

Name	Age	Custody	Supported by
Tirath Kaur Tung	20	Def. & Wife	Def. & Wife
Ragbir Singh Tung	16	Def. & Wife	Def. & Wife

EMPLOYMENT RECORD

From	To	Employer & Address	Type of Work	Salary
------	----	--------------------	--------------	--------

The defendant reports that he is a seasonal farm worker and collects unemployment benefits when he is not working.

Social Security No.: 604-24-2288 Op. License: A9415121

Alien Registration No.:

PRIOR CRIMINAL RECORD

Present Arresting Agency: YCPD

Date: 9/06/02

CII No. A11503862

FBI No. 95502XB5

CR #: 02-021850


CDC No.

CIRCUMSTANCES OF THE OFFENSE:

SEE ATTACHED POLICE REPORT.

DATED: October 27, 2005

Respectfully submitted,


CHRISTOPHER M. MONACO
PROBATION AIDE

1			
2	2/8/97	647(f) PC	Complaint requested but rejected
3			by DA as def to be sentenced in
4			in present felony case
5			CRF97-0163.
6	10/2/98	14601.1(a) VC	(Sutter Muni/CRTR98-2876)
7	SCSO	24601 VC	11/16/98 - PG to 14601.1(a)VC,
8			15 days CJ in lieu of fine.
9	9/6/02	273.5(a) PC	(Sutter Sup/CRF02-2287)
10	YCPD	2 counts	9/18/02 - PG to 1 count
11		422 PC	273.5(a) PC, a felony, all
12		2 counts	others dismissed ,NISP.
13		455 PC	10/15/02 - Sentencing set.
14		273a(b) PC	Present Matter.
15		417(a) (1) PC	

CIRCUMSTANCES OF THE OFFENSE:

On September 8, 2002, at approximately 8:36 p.m., Yuba City Police Officers Marshall and Gill were dispatched to 1450 Whyler Road #32 in reference to a domestic violence incident between the defendant, Gurdev Singh Tung and the victim, Sukvinder Kaur. Dispatch advised that Tirath T. (age 17 DOB 12/10/85) who is the defendant's daughter stated that the defendant had beaten the victim and threatened to kill the family. Dispatch added that the defendant had also beaten his son, Raghbir T. (age 13 DOB 8/25/89). Dispatch further advised that the defendant was currently drunk and asleep. Subsequently, the defendant was arrested for domestic violence.

Officer Gill entered asked one of the tenants of the whereabouts of the defendant's residence. The female neighbor directed Officer Gill's attention to the home and stated "he beats her" as Officer Gill walked into the home. Officer Gill contacted the victim who advised that the defendant had earlier placed a blanket on a hot stove burner and tried to burn down the

1 family home. The victim advised that the defendant also placed a
2 knife on the burner and threatened to stab her in the stomach.
3 The victim stated that the defendant was asleep in his bedroom.

4 Officers Marshall and Gill contacted the defendant and
5 escorted him from the southwest bedroom to the family room. The
6 defendant had a strong odor of an alcoholic beverage about his
7 person and was unsteady on his feet.

8 On September 8, 2002, at approximately 12:30 p.m., the
9 victim said she and her children returned home to find the
10 defendant drunk and angry because they had not told him they were
11 leaving. The victim stated that she was attempting to make some
12 tea on the stove but the defendant took the pan from the stove
13 and poured the tea in the sink. The victim stated that she
14 became upset and took a glass of the defendant's whiskey and
15 spilled it in the sink. The defendant told the victim to go to
16 the store and buy some more alcohol. The victim and Raghbir T.
17 left the house for a few hours. The victim and Raghbir T.
18 returned home at approximately 5:00 p.m.. The defendant began
19 yelling profanities at the victim and Raghbir T. while they were
20 sitting on the couch in the family room. The defendant then
21 grabbed a hoe from the garage, stood over the victim and Raghbir
22 with the hoe just a few inches from their heads. The defendant
23 threatened to hit them with the hoe. The defendant then put the
24 hoe down against the south end of the garage door.

25 The victim advised a few minutes later, the defendant
26 grabbed a blanket from the couch along the south wall of the
27 family room. The defendant put the blanket on the stove burner
28 and said that he was going to burn the house down and kill them

1 all. The victim advised she went to the stove and removed the
2 blanket however the defendant grabbed hold of the blanket and
3 tried to pull it away from her. Tirath T. heard the commotion
4 and ran into the kitchen to pull the defendant away from the
5 victim. Tirath took the telephone from the defendant, ran into
6 the bedroom, and hid. The victim tried to go into the garage to
7 get away from the defendant however, he grabbed her by the top of
8 her head with both his hands and began to vigorously shake her
9 from side to side. Raghbir T. ran and pushed the defendant away
10 from the victim.

11 The victim's friend arrived at the house and the defendant
12 calmed down. Raghbir T. walked into his bedroom however the
13 defendant followed him and pushed him down on his bed. The
14 defendant drove his knee into the left thigh area of Raghbir T.
15 Raghbir T. screamed in pain and the victim's friend ran into the
16 bedroom and told the defendant to stop. The defendant then
17 retreated into his own room and went to bed. The defendant later
18 came outside to get some food, threw a pot lid on the ground, and
19 yelled profanities. Tirath T. waited for the defendant to fall
20 asleep before calling the police.

21 Officer Gill observed that the victim had swelling to her
22 right elbow area and she complained of pain to her right side
23 area. The victim had numerous dark bruises on the upper area of
24 her arm, two of which were consistent with being grabbed. The
25 victim advised that she had sustained the injury to her right arm
26 during an incident on September 6, 2002. Officer Gill noted that
27 the victim's left forearm had red bruising. The victim stated
28 that the injury to her left arm occurred when she was struck by

1 the defendant earlier in the evening. The victim advised that
2 the defendant had been on probation until March 2002 and had
3 managed to stay sober while on probation. The victim explained
4 that the defendant had been drinking heavily for the past two
5 weeks and had been becoming increasingly violent. The victim
6 stated that she had not called the police sooner because she was
7 embarrassed.

8 The defendant was yelling at Officer Gill as he was
9 interviewing the victim. The defendant stated that the victim
10 had broken his foot with a broom. Officer Gill observed the
11 defendant did have some swelling to his right foot. The victim
12 stated that several days before the defendant had picked up the
13 television causing it to fall backwards and damage the west
14 family room wall. The defendant showed Officer Gill bruising to
15 his upper left arm which he said was caused by the victim and his
16 family. The victim denied that she had struck the defendant and
17 stated that she and the children only try to protect themselves
18 from the defendant when he is violent.

19 Officer Gill asked the defendant if he tried to burn a
20 blanket on the stove burner. The defendant began to answer but
21 then became quiet. The defendant stated that he never struck the
22 victim or his family. Officer Gill asked the defendant about the
23 holes in the family room walls. The defendant stated that the
24 damage to the walls was old and that it had been caused by him
25 and the victim. The defendant began to plead with the victim to
26 stop talking with Officer Gill. The defendant stated to the
27 victim that he would change.
28

1 Officer Marshall transported the defendant to Rideout
2 Emergency Room for a blood sample that returned a .35% BAC. The
3 defendant was then transported to the Sutter County Jail for
4 booking. Tirath T. and Raghbir T. provided statements that were
5 consistent with the victims.

6 DEFENDANT'S STATEMENT:

7 The defendant stated that he had consumed a large amount of
8 "whiskey" on the day of the offense and when he drinks he
9 sometimes gets angry. The defendant related that he did not hit
10 his spouse or his children but that they are a loving family.
11 The defendant advised that he was not attempting to burn their
12 house down but was rather cleaning the stove top burner after he
13 spilled tea on it. The defendant stated that the gas was off and
14 it was just a misunderstanding.

15 The defendant related that he has been sober for the past
16 five and a half years and does not know why he started drinking
17 again. The defendant expressed remorse for his actions by
18 saying, "I am sorry" and indicated that he felt "bad" about what
19 had happened. The defendant related that he will again comply
20 with the terms of probation.

21 SUBSTANCE ABUSE HISTORY:

22 The defendant stated that he has never used any forms of
23 controlled substances. The defendant advised that he does have
24 drinking problem. The defendant stated that he drinks "whiskey
25 and beer". However, he was not able to relate how much or how
26 often he consumes alcohol. The defendant's prior record of four
27 DUIs, three of which were .36%, .37%, and .39% BAC, coupled with
28


U.S. Department of Justice

Immigration and Naturalization Service

Record of Deportable/Inadmissible Alien

Family Name (CAPS) Singh, Gurdev		First Singh	Middle Gurdev	Sex M	Hair BLK	Eyes BRO	Cmplxn MED
Country of Citizenship INDIA	Passport Number and Country of Issue A042 967 796		File Number KFC0604000044	Height 72	Weight 230	Occupation LABORER	
U.S. Address CSATF CORCORAN, CALIFORNIA				Scars and Marks			
Date, Place, Time, and Manner of Last Entry 06/26/1991, Unknown Time, SFR, LAWFUL PERMANENT RESIDENT			Passenger Boarded at	F.B.I. Number 95502XB5		<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated	
Number, Street, City, Province (State) and Country of Permanent Residence INDIA				Method of Location/Apprehension CAP 511.2.2			
Date of Birth 11/28/1956	Age: 49	Date of Action 04/11/2006	Location Code XSF/XFC	At/Near FRESNO, CALIFORNIA		Date/Hour 04/06/2006 0000	
City, Province (State) and Country of Birth INDIA, INDIA	AR <input checked="" type="checkbox"/>	Form: (Type and No.)	Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	By KEVIN LOKER			
NIV Issuing Post and NIV Number	Social Security Account Name			Status at Entry Legal Permanent Resident		Status When Found IN INSTITUTION	
Date Visa Issued	Social Security Number			Length of Time Illegally in U.S. NOT APPLICABLE			
Immigration Record POSITIVE - See Narrative			Criminal Record See narrative				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) SINGH, Sukhvinder YUBA CITY, CALIFORNIA				Number and Nationality of Minor Children CLAIMS TWO INDIA			
Father's Name, Nationality, and Address, if Known SINGH, Sarwan INDIA			Mother's Present and Maiden Names, Nationality, and Address, if Known SINGH, Pritam INDIA				
Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	INS Systems Checks CIS Positive	Charge Code Word(s) R2A3				
Name and Address of (Last)/(Current) U.S. Employer	Type of Employment	Salary Hr.	Employed from/to				
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
OTHER ALIASES KNOWN BY Tung, GURDEV SINGH							
Narrative Title: Record of Deportable/Excludable Alien Narrative Created by LOKER							
Subject is a criminal alien, citizen and national of India, who was encountered in custody at CSATF, Corcoran, CA.							
Subject was admitted to the US, on June 26, 1991, as a Lawful Permanent Resident..							
On September 18, 2002, Subject was convicted in the Superior Court of California, in and for the County of Sutter, for the offense of Spousal Abuse, in violation of Section 273.5(a) of the Penal Code of California, for which the term of imprisonment imposed was three years.							
On October 19, 2005, Subject was convicted in the Superior Court of California, in and for the County of Sutter, for the offense of Felony DUI with Prior, in violation of Section 23152(a)/23550.5 of the Vehicle Code of California, for which the term of imprisonment imposed was two years.							
Alien has been advised of communication privileges.			KEVIN LOKER SPECIAL AGENT (Signature and Title of INS Official)				
Distribution: FILE ADMIN DRO			Received: (Subject and Documents) (Report of Interview) Officer: KEVIN LOKER on: April 11, 2006 at 1320 (time) Disposition: Warrant of Arrest/Notice to Appear Examining Officer: PAUL LEONARDI				

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Alien's Name Singh, Gurdev	File Number Case No: XFC0604000044 A042 967 796	Date 04/11/2006
NTA/WA.		
Signature KEVIN LOKER 	Title SPECIAL AGENT	

Immigration and Naturalization Service

Record of Deportable/Inadmissible Alien

Family Name (CAPS) SINGH, Gurdev		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship INDIA	Passport Number and Country of Issue		File Number Case No: SND0609000450 A042 967 796	Height 71	Weight 230	Occupation LABORER	
U.S. Address CENTINELA STATE PRISON 2302 BROWN ROAD IMPERIAL, CALIFORNIA 92251				Scars and Marks See Narrative			
Date, Place, Time, and Manner of Last Entry 06/26/1991, Unknown Time, SFR, IMMIGRANT			Passenger Boarded at	F.B.I. Number 95502VB5		<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated	
Number, Street, City, Province (State) and Country of Permanent Residence				Method of Location/Apprehension CST 520.3			
Date of Birth 11/28/1956	Age: 49	Date of Action 09/19/2006	Location Code SND/SND	At/Near California		Date/Hour 09/18/2006 0925	
City, Province (State) and Country of Birth BOHANI, BOHANI, INDIA	AR <input checked="" type="checkbox"/>	Form: (Type and No.)	Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	By STEPHEN J. PRENDERGAST			
NIV Issuing Post and NIV Number	Social Security Account Name			Status at Entry Immigrant		Status When Found IN INSTITUTION	
Date Visa Issued	Social Security Number			Length of Time Illegally in U.S. OVER 1 YEAR			
Immigration Record NEGATIVE			Criminal Record See narrative				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) Nationality: INDIA KUAR, Sukhvinder 1450 WHYLER ROAD #32 YUBA CITY, CALIFORNIA				Number and Nationality of Minor Children 2, INDIA			
Father's Name, Nationality, and Address, if Known Nationality: UNITED STATES SINGH, Sarwan			Mother's Present and Maiden Names, Nationality, and Address, if Known SINGH, Pritam Nationality: UNITED STATES				
Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	INS Systems Checks See Narrative	Charge Code Word(s) See Narrative				
Name and Address of (Last)/(Current) U.S. Employer	Type of Employment	Salary Hr.	Employed from/to				
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry; and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
SCARS, MARKS AND TATTOOS None Visible							
INS SYSTEMS CHECKS Central Index System Positive Deportable Alien Control System Positive National Crime Information Center Positive							
CHARGE CODE WORD(S) R2A3 R2E1							
Narrative Title: Record of Deportable/Excludable Alien Narrative Created by PRENDERGAST							
CDC NAME: TUNG, GURDEV SINGH CDC #: F03134 CRIME: SPOUSAL ABUSE PC-273.5(a) COURT: CALIFORNIA SUPERIOR COURT SUTTER COUNTY DATE OF CONVICTION: SEPTEMBER 18, 2002 SENTENCE IMPOSED: 3 YEARS OF PRISON							
Alien has been advised of communication privileges.				(Date/Initials)			
Distribution: AFILE DACS STATS				Received: (Subject and Documents) (Report of Interview) Officer: STEPHEN J. PRENDERGAST on: September 19, 2006 at 1529 (time) Disposition: Warrant of Arrest/Notice of Appeal Examining Officer: L. TANORI-AMARILLAS			

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Alien's Name SINGH, Gurdev	File Number Case No: SND0609000450 A042 967 796	Date 09/19/2006
<p>EXPECTED RELEASE DATE: OCTOBER 24, 2006 PRIOR REMOVALS: NONE ENTRY STATUS: P51</p> <p>SINGH, Gurdev A42 967 796 was encountered and interviewed at Centinela State Prison in Imperial, California on September 18, 2006. SINGH admits to being a citizen and national of India with the proper immigration documents to legally be in the United States. Record checks show that India is a Lawfully Admitted Permanent Resident of the United States with a classification of P51. SINGH was granted this immigration status in San Francisco, California on June 26, 1991.</p> <p>SINGH claims that both of his parents are Naturalized United States Citizens. SINGH was over the age of 18 when this occurred.</p> <p>SINGH admits his prior criminal conviction for Spousal Abuse in violation of PC-273.5(a). This conviction was rendered in the California Superior Court for Sutter County on September 18, 2002. SINGH was sentenced to a term of imprisonment of three (3) years.</p> <p>SINGH stated that he has no appeals pending with the California State Appellate Court. A check of the California State Court Appellate system also showed that no appeals are pending. Printouts of these checks are in the A-file.</p> <p>SINGH expressed no fear of persecution if he is removed from the United States.</p> <p>SINGH is being processed for a removal hearing before an Immigration Judge for violating Sections 237(a)(2)(A)(iii) Agg felon subsection 101(a)(43)(F) and 237(a)(2)(E)(i) of the Immigration and Nationality Act.</p>		
Signature STEPHEN J. PRENDERGAST	Title DEPORTATION OFFICER	

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Immigration and Naturalization Service

Immigration Detainer - Notice of Action

Case No: SND0609000450
File No. A042 967 796
Date: September 19, 2006

To: (Name and title of institution)
CENTINELA STATE PRISON
2302 BROWN ROAD
IMPERIAL, CA 92511

From: (INS office address)
SAN DIEGO, CA, DOCKET CONTROL OFFICE
U.S. IMMIGRATION & CUSTOMS ENFORCEMENT
DETENTION AND REMOVAL OPERATIONS
SAN DIEGO, CA 92101

Name of alien: SINGH, Gurdev

Date of birth: 11/28/1956 Nationality: INDIA Sex: M

You are advised that the action noted below has been taken by the Immigration and Naturalization Service concerning the above-named inmate of your institution:

- ☒ Investigation has been initiated to determine whether this person is subject to removal from the United States.
- ☐ A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on _____
(Date)
- ☐ A warrant of arrest in removal proceedings, a copy of which is attached, was served on _____
(Date)
- ☐ Deportation or removal from the United States has been ordered.

It is requested that you:

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work, and quarters assignments, or other treatment which he or she would otherwise receive.

☒ Federal regulations (8 CFR 287.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays) to provide adequate time for INS to assume custody of the alien. You may notify INS by calling 760-337-8105, 8106 during business hours or _____ after hours in an emergency.

☐ Please complete and sign the bottom block of the duplicate of this form and return it to this office. ☐ A self-addressed stamped envelope is enclosed for your convenience. ☐ Please return a signed copy via facsimile to _____
(Area code and facsimile number)

Return fax to the attention of _____, at _____
(Name of INS officer handling case) (Area code and phone number)

- ☒ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- ☒ Notify this office in the event of the inmate's death or transfer to another institution.
- ☐ Please cancel the detainer previously placed by this Service on _____

STEPHEN J. PRENDERGAST
(Signature of INS official)

DEPORTATION OFFICER
(Title of INS official)

Receipt acknowledged:

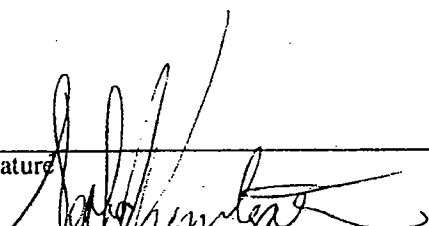
Date of latest conviction: _____ Latest conviction charge: _____

Estimated release date: _____

Signature and title of official: _____

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DATE PREPARED 09/19/2006		INFORMATION FOR TRAVEL DOCUMENT OR PASSPORT		FILE A 042 967 796
1. NAME Gurdev SINGH			2. SEX M	
3. OTHER NAMES USED OR KNOWN BY			4. CITIZENSHIP INDIA	
5. DATE OF BIRTH 11/28/1956		6. PLACE OF BIRTH BOHANI BOHANI INDIA		
7. HEIGHT 71	WEIGHT 230	EYES BRO	HAIR BLK	COMPLEXION MED
8. NEAREST LARGE CITY TO PLACE OF BIRTH CALCUTTA		9. DISTANCE AND DIRECTION OF PLACE OF BIRTH FROM THIS LARGE CITY E of CALCUTTA		
10. IF CITIZENSHIP IS DIFFERENT FROM COUNTRY OF BIRTH, EXPLAIN. IF NATURALIZED IN ANY COUNTRY, SHOW DATE AND PLACE OF NATURALIZATION, CERTIFICATE NUMBER, AND STATE HOW CITIZENSHIP WAS ACQUIRED. Not Applicable				
11. NAMES, LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN SCHOOLS N/A		12. NAMES, EXACT LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN CHURCHES. INCLUDE DATE AND NATURE OF ANY RELIGIOUS CEREMONY WHICH MAY HAVE BEEN RECORDED. N/A		
13. LAST PERMANENT RESIDENCE IN COUNTRY OF CITIZENSHIP (Show dates of residence)				
14. ADDRESS IN COUNTRY OF LAST FOREIGN RESIDENCE (Show dates of residence, and Immigration status there)				
15. PLACE OF ENTRY INTO UNITED STATES San Francisco, California			DATE OF ENTRY INTO UNITED STATES 6/26/1991 Unknown time	
16. LIST DATE AND PLACE OF ISSUANCE AND NUMBER OF PASSPORT, BIRTH CERTIFICATE, BAPTISMAL CERTIFICATE OR DOCUMENT OF IDENTITY. SPECIFY DATES OF MILITARY SERVICE, COUNTRY AND UNIT, RANK, SERIAL NUMBER, AND PLACES OF INDUCTION AND DISCHARGE.				
17. IN POSSESSION OF TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. DESCRIBE DOCUMENT (S). IF SUBJECT DID NOT HAVE TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY, OR DOES NOT HAVE SUCH A DOCUMENT NOW, INDICATE WHETHER EVER OBTAINED ONE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. STATE HOW, WHEN, AND WHERE IT WAS OBTAINED: WHAT KIND OF DOCUMENT IT WAS, AND WHAT BECAME OF IT. Not Applicable				
18. FATHER'S NAME Sarwan SINGH PRESENT ADDRESS		DATE OF BIRTH / /	PLACE OF BIRTH INDIA	
19. MOTHER'S MAIDEN NAME Pritam SINGH PRESENT ADDRESS		DATE OF BIRTH / /	PLACE OF BIRTH INDIA	
20. NAME, RELATIONSHIP, AND ADDRESSES OF RELATIVES ABROAD See I-831				
21. PREVIOUSLY <input type="checkbox"/> EXCLUDED <input type="checkbox"/> DEPORTED <input type="checkbox"/> REQUIRED TO DEPART FROM THE UNITED STATES Not Applicable ON _____ (Date) VIA _____ (Port) TO _____ (Country)				
22. INDICATE WHETHER EVER ARRESTED, IN PRISON OR A PUBLIC INSTITUTION IN THE COUNTRY OF WHICH A NATIONAL, SUBJECT OR CITIZEN: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO. IF SO, GIVE DATES AND PLACES CENTINELA STATE PRISON 2302 BROWN ROAD IMPERIAL, CA 92251 SEPTEMBER 18, 2006				
23. NAME, NATIONALITY AND PRESENT ADDRESS OF SPOUSE, AND DATE AND PLACE OF MARRIAGE Sukhvinder KUAR; INDIA; (Date/Place of Marriage): / /				
24. NAMES, AGES, AND ADDRESSES OF ALL CHILDREN				
25. IF NONCANADIAN DEPORTABLE TO CANADA, GIVE DATE AND PORT OF ARRIVAL IN CANADA, AND NAME OF VESSEL Domestic Violence.				

Alien's Name Gurdev SINGH		File Number Case No: SND0609000450 A 042 967 796	Date 09/19/2006
<u>20. RELATIVES ABROAD INFORMATION (continued...)</u> Sukhvinder KUAR; Spouse; Sarwan SINGH; Father; Pritam SINGH; Mother;			
Signature 		Title Deputy Asst. Dir. - Office	

U. S. Department of Justice

Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: A042 967 796

Case No: SND0609000450

In the Matter of:

Respondent: Gurdev SINGH

currently residing at:

CENTINELA STATE PRISON 2302 BROWN ROAD
IMPERIAL CALIFORNIA 92251

(Number, street, city state and ZIP code)

(Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

1115 North Imperial Avenue El Centro CALIFORNIA US 92243

(Complete Address of Immigration Court, Including Room Number, if any)

on a date to be set at a time to be set to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

E. TANORI-AMARILLAS
SUP. DETENTION DEPORTATION OFFICER

(Signature and Title of Issuing Officer)

Imperial, California

(City and State)

Date: 09/20/2006.

See reverse for important information

Form I-862 (Rev. 3/22/99)N

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Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

Before:

(Signature and Title of INS Officer)

Date:

(Signature of Respondent)

Certificate of Service


This Notice to Appear was served on the respondent by me on 10/24/00, in the following manner and in compliance with section 239(a)(1)(F) of the Act:

- ☒ in person ☐ by certified mail, return receipt requested ☐ by regular mail
- ☐ Attached is a credible fear worksheet.
- ☐ Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the English language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

(Signature and Title of Officer)

Alien's Name Gurdev SINGH	File Number Case No: SND0609000450 A042 967 796	Date 09/20/06
<p>The Service alleges that you:</p> <ol style="list-style-type: none">1) You are not a citizen or national of the United States;2) You are a native of INDIA and a citizen of INDIA;3) You were admitted to the United States at San Francisco, California on or about June 26, 1991 as an Immigrant;4) You were, on September 18, 2002, convicted in the California Superior Court at Sutter County for the offense of Spousal Abuse, in violation of PC-273.5(a);5) You were sentenced to a term of imprisonment of three (3) years.6) That offense was committed against Sukhvinder Kaur, your spouse under the domestic or family violence laws of California, the jurisdiction where the offense occurred] [a person who is protected from your acts by the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government]. <p>On the basis of the foregoing, It is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:</p> <p>Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(F) of the Act, a crime of violence (as defined in section 16 of Title 18, United States Code, but not including a purely political offense) for which the term of imprisonment ordered is at least one year.</p> <p>Section 237(a)(2)(E)(i) of the Immigration and Nationality Act, as amended, in that you are an alien who at any time after entry has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment.</p>		
Signature  L. TANORI-AMARILLAS	Title SUP. DETENTION DEPORTATION OFFICER	

U.S. Department of Justice

Immigration and Naturalization Service

Warrant for Arrest of AlienCase No: SND0609000450File No. A042 967 796Date September 19, 2006

To any officer of the Immigration and Naturalization Service delegated authority pursuant to section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:

Gurdev SINGH

(Full name of alien)

an alien who entered the United States at or near San Francisco, California on _____

(Port)

June 26, 1991 is within the country in violation of the immigration laws and is

(Date)

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.



(Signature of authorized INS official)

L. TANORI-AMARILLAS


(Print name of official)

SUP. DETENTION DEPORTATION OFFICER

(Title)

Certificate of Service

Served by me at Imperial, California on 10/24/06 at 0900.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.



(Signature of officer serving warrant)

IEA

(Title of officer serving warrant)

U.S. Department of Justice
Immigration and Naturalization Service

Notice of Custody Determination

Gurdev SINGH

CENTINELA STATE PRISON
2302 BROWN ROAD
IMPERIAL, CA 92251

Case No: SND0609000450

File No: A042 967 796

Date: 09/19/2006

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that pending a final determination by the immigration judge in your case, and in the event you are ordered removed from the United States, until you are taken into custody for removal, you shall be:

- ☒ detained in the custody of this Service.
☐ released under bond in the amount of \$ No Bond
☐ released on your own recognizance.

☐ You may request a review of this determination by an immigration judge.

☒ You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody.


 U. TANORI-AMARILAS
 (Signature of authorized officer)

SUP. DETENTION DEPORTATION OFFICER
 (Title of authorized officer)

Imperial, California
 (INS office location)

- ☒ I do ☐ do not request a redetermination of this custody decision by an immigration judge.
☒ I acknowledge receipt of this notification.



(Signature of respondent)

10/24/06
 (Date)

RESULT OF CUSTODY REDETERMINATION

On _____, custody status/conditions for release were reconsidered by:

- ☐ Immigration Judge ☐ District Director ☐ Board of Immigration Appeals

The results of the redetermination/reconsideration are:

- ☐ No change - Original determination upheld. ☐ Release-Order of Recognizance
☐ Detain in custody of this Service. ☐ Release-Personal Recognizance
☐ Bond amount reset to _____ ☐ Other: _____

 (Signature of officer)

IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

SINGH, GURDEV
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243

FILE: A42-967-796

RE: SINGH, GURDEV

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN
SCHEDULED/RESCHEDULED FOR A CUSTODY REDETERMINATION HEARING BEFORE THE
IMMIGRATION COURT ON Oct 31, 2006 AT 1:00 P.M. AT THE FOLLOWING ADDRESS:

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY
AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS
BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY
OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: ☐ ALIEN ☒ ALIEN c/o Custodial Officer ☐ ALIEN'S ATT/REP ☒ INS
DATE: 10/25/06 BY: COURT STAFF ☒
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

U7

GC9

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NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: SINGH, GURDEV

FILE: A42-967-796

DATE: Oct 31, 2006

TO: SINGH, GURDEV
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243

Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on 11-14-06 at 1:00 P.M. at

FOR LEGAL REPRESENT

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

ACTION + PUNJABI
INTERPRETER

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

GC9

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Alien Number: 42-967-785

Alien Name: SINGH, GURDEV

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- ☒ 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- ☐ 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- ☐ 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

- A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:
- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
 - 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
 - 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Oct 31, 2006

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
 TO: ☒ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☒ INS
 DATE: 10-31-06 BY: COURT STAFF J.H.W.
 Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

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NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: SINGH, GURDEV
FILE: A42-967-796

DATE: Nov 14, 2006

TO: SINGH, GURDEV
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243

Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on 11-28-06 at 1:00 P.M. at

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

FOR LEGAL
REPRESENTATION.

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

LIZ

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Alien Number: 42-967-796

Alien Name: SINGH, GURDEV

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- ☒ 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years after the date of entry of the final order of removal.
- ☐ 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- ☐ 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Nov 14, 2006

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
 TO: ☒ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☒ INS
 DATE: 11-14-06 BY: COURT STAFF J.N.W.
 Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

V6

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U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

OMB#1125-0006

Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):		DATE (mm/dd/yy): <u>11/22/06</u> ALIEN NUMBER(S) (List lead alien number and all family member alien numbers, if applicable.) <u>A42-967-796</u>
NAME: <u>GURDEV</u> <u>SINGH</u> (First) (Middle Initial) (Last)		
ADDRESS: <u>C/O STENDER & POPE, P.C.</u> <u>333 E. VIRGINIA, SUITE 216</u> (Number and Street) (Apt. No.) <u>PHOENIX</u> <u>AZ</u> <u>85004</u> (City) (State) (Zip Code)		
Please check one of the following:		
<input checked="" type="checkbox"/> 1. I am a member in good standing of the bar of the highest court(s) of the following state(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia.		
Full Name of Court	State Bar No. (if applicable)	
AZ / NY / CT	AZ	AZ 014901 AZ 023574
AZ / IL	AZ	AZ 013646 AZ 19385
(Please use space on reverse side to list additional jurisdictions.)		
<input checked="" type="checkbox"/> I am not (or <input type="checkbox"/> I am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions (other than federal courts) where I am licensed to practice law.		
<input type="checkbox"/> 2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review pursuant to 8 C.F.R. § 1292.2 (provide name of organization):		
<input type="checkbox"/> 3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 1292.1 (explain fully on reverse side).		
I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Immigration Court. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.		
SIGNATURE OF ATTORNEY OR REPRESENTATIVE	EOIR ID#	PHONE NUMBER (with area code)
		602.952.9802 FAX: 602.952.9790
DATE (mm/dd/yy)		<u>11/22/06</u>
NAME OF ATTORNEY OR REPRESENTATIVE (type or print)		<input checked="" type="checkbox"/> Check here if new address ADDRESS <u>STENDER & POPE, P.C.</u> <u>333 E. VIRGINIA, SUITE 216</u> <u>PHOENIX, AZ 85004</u>
CHRISTOPHER J. STENDER, ESQ. JOHN M. POPE, ESQ. DENIZ S. ARIK, ESQ. CARMEN ABARCA - WILSON, ESQ.		

Certificate of Service I <u>Alma D. Reyes</u> (Name) mailed or delivered a copy of the foregoing on <u>11/22/06</u> (Date-mm/dd/yy) to the DHS	
(U.S. Immigration and Customs Enforcement - ICE) at <u>1115 N. Imperial Ave., El Centro, CA</u> (Number and Street, City, State, Zip Code) <u>92243</u>	
X <u>Alma D. Reyes</u> Signature of Attorney or Representative (Note: Alien may be required to sign Acknowledgement and Consent below.)	

The Privacy Act of 1974 requires that if the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence, he/she must sign the portion below.		
I HEREBY ACKNOWLEDGE THAT THE ABOVE-NAMED ATTORNEY OR REPRESENTATIVE REPRESENTS ME IN THESE PROCEEDINGS AND I CONSENT TO THE DISCLOSURE TO HIM/HER OF ANY RECORDS PERTAINING TO ME WHICH APPEAR IN ANY EOIR SYSTEM OF RECORDS.		
NAME OF PERSON CONSENTING	SIGNATURE OF PERSON CONSENTING	DATE (mm/dd/yy)
	X	

APPEARANCES - An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that appearances for limited purposes are not permitted. See *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(e)). Further proof of authority to act in a representative capacity may be required.

AVAILABILITY OF RECORDS - During the time a case is pending, a party to a proceeding or his/her attorney or representative shall be permitted to examine the Record of Proceeding in the Immigration Court having administrative control over the Record of Proceeding, in accordance with the standard procedures of the Court.

REPRESENTATION - A person entitled to representation may be represented by any of the following:

- (1) Attorneys in the United States as defined in 8 C.F.R. § 1001.1(f).
- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 1292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 1292.1(a)(3).
- (4) Accredited representatives as defined in 8 C.F.R. § 1292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 1292.1(a)(5).

ADDITIONAL INFORMATION:

(Please attach additional sheets of paper if necessary.)

NOTE: THIS FORM MAY NOT BE USED TO REQUEST RECORDS UNDER THE FREEDOM OF INFORMATION ACT OR THE PRIVACY ACT. THE MANNER OF REQUESTING SUCH RECORDS IS CONTAINED IN 28 C.F.R. §§ 16.1-16.11 AND APPENDICES.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

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U.S. Department of Justice
Immigration and Naturalization ServiceNotice of Entry of Appearance
as Attorney or Representative

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re: SINGH, Gurdev Date: 11/22/06
File No. A42 967 716

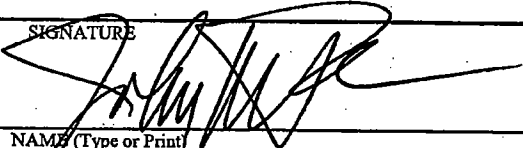
I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name: <u>Gurdev Singh</u>	<input type="checkbox"/> Petitioner	<input checked="" type="checkbox"/> Applicant
<input type="checkbox"/> Beneficiary		
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		
C/O STENDER & POPE, P.C. 333 E. VIRGINIA AVE., SUITE 216 PHOENIX AZ 85004		

Name:	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
<input type="checkbox"/> Beneficiary		
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		
C/O STENDER & POPE, P.C. 333 E. VIRGINIA AVE., SUITE 216 PHOENIX AZ 85004		

Check Applicable Item(s) below:

- ☒ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia AZ / NY / CT / IL and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
- ☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
- ☐ 3. I am associated with _____ the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
- ☐ 4. Others (Explain Fully.)

SIGNATURE 	COMPLETE ADDRESS STENDER & POPE, P.C. 333 E. VIRGINIA, SUITE 216 PHOENIX, ARIZONA 85004
NAME (Type or Print) C.J. STENDER / J.M. POPE / D.S. ARIK / C.A. WILSON	TELEPHONE NUMBER 602.257.1010 FAX: 602.952.9790

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

STENDER & POPE, P.C.

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:
ANY AND ALL IMMIGRATION MATTERS

Name of Person Consenting	Signature of Person Consenting	Date

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 8CFR 103.10 and 103.20 Et.SEQ.

Form G-28 (09/26/00)Y

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U.S. Department of Justice
Executive Office for Immigration Review
U.S. Immigration Court
El Centro, California

Case No. A42 967 796)	Date: November 27, 2006
)	
IN THE MATTER OF)	IN BOND
)	
Gurdev SINGH,)	PROCEEDINGS
)	
Respondent.)	
_____)	

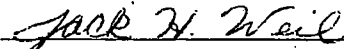
ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Motion for Telephonic Appearance filed by counsel for respondent in the above-entitled matter, it is HEREBY ORDERED that the Motion for Telephonic Appearance be denied for the reasons set forth below.

The Court will request to review documentary evidence at tomorrow's hearing to determine whether the respondent qualifies for bond under to INA 236(c). The respondent's counsel can not receive and review such documentary evidence if he does not appear in person.

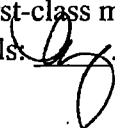
Respondent has contacted the court and advised that he wishes the services of a Punjabi interpreter. If the Punjabi interpreter is used, the Court will need the phone line for the Punjabi interpreter.

There is no statutory or regulatory right to a telephonic hearing and the Court, upon complete review of the record in this case, sees no reason justifying a telephonic appearance as a matter of discretion.



Jack H. Weil
U.S. Immigration Judge

Certificate of Service

I, Elizabeth Sanchez, hereby certify that on November 27, 2006, I served a copy of this order on the counsel for respondent by first-class mail and on the Immigration and Naturalization Service by personal service. Staff initials: 

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: SINGH, GURDEV
FILE: A42-967-796

DATE: Nov 28, 2006

TO: CHRISTOPHER J. STENDER, ESQ
STENDER & POPE, PC
1010 SECOND AVENUE, STE. #2300
SAN DIEGO, CA 92101-4999

Please take notice that the above captioned case has been scheduled for a
Master/Individual hearing before the Immigration Court on 12-5-06
at 1:00 P.M. at:

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

RESPONDENT'S
COUNSEL DID
NOT APPEAR.

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

LIZ

Alien Number: 42-967-796

Alien Name: SINGH, GURDEV

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- ☒ 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- ☐ 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- ☐ 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

- A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:
- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
 - 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
 - 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Nov 28, 2006

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
 TO: ☐ ALIEN ☐ ALIEN c/o Custodial Officer ☒ ALIEN'S ATT/REP ☒ INS
 DATE: 11-28-06 BY: COURT STAFF J.N.W.
 Attachments: ☐ EOIR-33 ☐ EOIR-28 ☒ Legal Services List ☐ Other

1/6

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
IMPERIAL, CA

FILE: A42-967-796

IN THE MATTER OF:

SINGH, GURDEV

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE
WITH RESPECT TO CUSTODY

Request having been made for a change in the custody status of respondent pursuant to 8 CFR 236.1(c), and full consideration having been given to the representations of the Immigration and Naturalization Service and the respondent, it is hereby

X ORDERED that the request for a change in custody status be denied.

_____ ORDERED that the request be granted and that respondent be:

_____ released from custody on his own recognizance

_____ released from custody under bond of \$ _____

X OTHER RESPONDENT WITHDREW HIS REQUEST FOR A
BOND HEARING & MAY REINSTATE AT ANY TIME.

Copy of this decision has been served on the respondent and the Service.

APPEAL: waived -- reserved

IMPERIAL -- EL CENTRO, CALIFORNIA

Date: Dec 5, 2006

Jack H. Weil
JACK H. WEIL
Immigration Judge

XS

LIZ

39

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT

2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: SINGH, GURDEV
FILE: A42-967-796

(760) 353-2328

DATE: Dec 5, 2006

TO: CHRISTOPHER J. STENDER, ESQ
STENDER & POPE, PC
1010 SECOND AVENUE, STE. #2300
SAN DIEGO, CA 92101-4999

Please take notice that the above captioned case has been scheduled for a
Master/Individual hearing before the Immigration Court on 12-20-06
at 1:00 P.M. at

TELEPHONIC O.K.

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

STATUS CONF. ON
CHARGES + R. TO
I.D. + POSSIBLY FILE
RELIEF
APPLIC.

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

LIZ

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Alien Number: 42-967-796

Alien Name: SINGH, GURDEV

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- (X) 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Dec 5, 2006

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
 TO: [] ALIEN [] ALIEN's Custodial Officer [] ALIEN's ATT/REP [] INS
 DATE: 12-5-06 BY: COURT STAFF
 Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

V6

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NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: SINGH, GURDEV
FILE: A42-967-796

DATE: Dec 20, 2006

TO: CHRISTOPHER J. STENDER, ESQ.
STENDER & POPE, PC
1010 SECOND AVENUE, STE. #2300
SAN DIEGO, CA 92101-4999

Please take notice that the above captioned case has been scheduled for a
Master/Individual hearing before the Immigration Court on 1-24-07
at 10:00 A.M. at

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

FOR DHS TO
PROVE CHARGES

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 708-305-1662.

LIZ

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Alien Number: 42-967-796

Alien Name: SINGH, GURDEV

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- ☒ 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- ☐ 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years from the date of your scheduled hearing.
- ☐ 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

- A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:
- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
 - 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
 - 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Dec 20, 2006

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
 TO: ☐ ALIEN ☐ ALIEN c/o Custodial Officer ☒ ALIEN's ATT/REP ☐ INS
 DATE: 12-20-06 BY: COURT STAFF G.N.W.
 Attachments: ☐ EOIR-38 ☐ EOIR-28 ☐ Legal Services List ☐ Other

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U.S. Department of Justice
Executive Office for Immigration Review
U.S. Immigration Court
El Centro, California

Case No. A42 967 796

Date: January 4, 2007

IN THE MATTER OF

IN REMOVAL

Gurdev SINGH,

PROCEEDINGS

Respondent.

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Motion to Change Venue to San Francisco, CA filed by counsel for respondent in the above-entitled matter, it is HEREBY ORDERED that the Motion to Change Venue to San Francisco, CA be denied for the reasons set forth below.

Upon weighing of all of the factors identified by the respondent in his motion to change venue against all of the factors identified by the Department of Homeland Security in their written opposition, the Court finds that the respondent has failed to establish good cause to change venue. The Court notes specifically that the respondent is currently detained in the immigration processing center in El Centro, CA., change of venue will result in a great burden on the Government and taxpayers of the United States, and respondent has local counsel who has entered his appearance in this matter. While respondent states that he has witnesses who reside in the requested venue, he has failed to identify any issue pending before the Court to which the testimony of these witnesses is material or relevant.

Jack H. Weil

Jack H. Weil

U.S. Immigration Judge

Certificate of Service

I, Eliz S Sanchez, hereby certify that on January 4, 2007, I served a copy of this order on the respondent's counsel by mail and on the Department of Homeland Security by personal service. Staff initials: ES

IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

In the Matter of
SINGH, GURDEV

Case No.: A42-967-796

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jan 24, 2007.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

☒ The respondent was ordered removed from the United States to **INDIA**.
~~or in the alternative to.~~

☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to
or in the alternative to

☐ Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ _____ with an alternate order of removal to

Respondent's application for:

☐ Asylum was () granted () denied () withdrawn

☐ Withholding of removal was () granted () denied () withdrawn

☐ A Waiver under Section _____ was () granted () denied () withdrawn

☐ Cancellation under Section 240A(a) was () granted () denied () withdrawn

Respondent's application for:

☐ Cancellation under Section 240A(b)(1) was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

☐ Cancellation under Section 240A(b)(2) was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

☐ Adjustment of Status under Section _____ was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

☐ Respondent's application of () withholding of removal () deferral of removal under Article III of the Convention Against Torture was () granted () denied () withdrawn.

☐ Respondent's status was rescinded under section 246.

☐ Respondent is admitted to the United States as a _____ until _____

☐ As a condition of admission, respondent is to post a \$ _____ bond.

☐ Respondent knowingly filed a frivolous asylum application after proper notice.

☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

☐ Proceedings were terminated.

☐ Other: _____

Date: Jan 24, 2007

Jack H. Weil
JACK H. WEIL

Immigration Judge

Appeal: Waived/Reserved Appeal Due By: 2-23-07

BY DNS RESPONDENT

LIZ

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U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

OMB# 1125-0002

Notice of Appeal from a Decision of an
Immigration Judge

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):
MR. Gurdev Singh In-Pro-se
A#042-967-796 Detain.
 Respondent arrived, with his wife and two children, on June 26, 1991. were admitted to the United States at San Francisco, California. Respondent together with his family have been residing in the United States for a period of 15 years. Respondent is husband, & a father, a family man. Respondent is not a Career Criminal therefore a serious consideration must be afforded in regards to Respondent case.

WARNING: Name(s) and "A" Number(s) of every one appealing the Immigration Judge's decision must be written in item #1.

2. I am ☒ the Respondent/Applicant ☐ DHS-ICE (Mark only one box.) **El Centro Trial Attorney**
3. I am ☒ DETAINED ☐ NOT DETAINED (Mark only one box.) **FEB 26 2007**
4. My last hearing was at **United States Department of Justice**
Immigration Court
1115 N. Imperial Ave, El Centro, CA, 92243 (Location, City, State)

5. What decision are you appealing?

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

- ☒ I am filing an appeal from the Immigration Judge's decision in *merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated **January 24, 2007**
- ☐ I am filing an appeal from the Immigration Judge's decision in *bond proceedings* dated _____ (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? ☐ Yes. ☐ No.)
- ☐ I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated _____

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

Form EOIR-26
Revised Dec. 2005

6. State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

MR Gurdev, Singh
A# 042-967-796

In-Prose
Detain at Government
expense.

Please see attachment sheets for arguments.
Argument 1 through 8

(Attach additional sheets if necessary)

WARNING: You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal or any statements attached to this Notice of Appeal why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals? ☐ Yes ☒ No
8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? ☒ Yes ☐ No

WARNING: If you mark "Yes" on item 8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

9.



X Gurdev Singh

Signature of Person Appealing
(or attorney or representative)

02-20-07

Date

10.

Mailing Address of Respondent(s)/Applicant(s)	
MR. Gurdev, Singh	
(Name)	
DHS/ICE Detention Center, Services.	
(Street Address)	
1115 N. Imperial Ave;	
(Apartment or Room Number)	
El Centro, CA, 92243	
(City, State, Zip Code)	
(Telephone Number)	

11.

Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)	
(Name)	
(Street Address)	
(Suite or Room Number)	
(City, State, Zip Code)	
(Telephone Number)	

NOTE: You must notify the Board within five (5) working days if you move to a new address. You must use an Alien's Change of Address Form (Form EOIR-248A).

NOTE: If you are the Respondent or Applicant, you must file with this appeal a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

12.

PROOF OF SERVICE
(You Must Complete This)

I MR. Gurdev, Singh (Name) mailed or delivered a copy of this Notice of Appeal on 02-20-07 (Date) to District Attorney (Opposing Party) at United States Department of Justice (Number and Street, City, State, Zip Code) Immigration Court, 1115 N. Imperial Ave; El Centro, CA, 92243



x Gurdev Singh

Signature

NOTE: If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel (DHS - ICE).

WARNING: If you do not complete this section properly, your appeal will be rejected or dismissed.

WARNING: If you do not attach the fee or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal will be rejected or dismissed.

- ☒ Read all of the General Instructions
☒ Provided all of the requested information
☒ Completed this form in English
☒ Provided a certified English translation for all non-English attachments

HAVE YOU?

- ☒ Signed the form
☒ Served a copy of this form and all attachments on the opposing party
☒ Completed and signed the Proof of Service
☒ Attached the required fee or Fee Waiver Request

ATTENTION: O.I.C. Mr. Rillamos
Supervisor: Gonzales
Supervisor: Martinez
Supervisor: Moya

Attention: Supervisor, I am currently requesting for your assistance, in regards to appeal form that was requested to be mail, next day service last week on Wednesday 21, of February 2007.

The mail man "Officer" who I clearly instructed that I urgently needed to have the envelope delivered next day service is Officer Mr. Corona. Officer Corona did not comply to delivered my envelope with the service I requested my envelope that needed to be delivered with.

Instead of next day service, Officer Mr. Corona went ahead and had my appeal form delivered under priority mail failing to arrived the next day, like it needed to be received by. I even sent it one day ahead of the due date Friday 23, February of 2007.

So the need of your immediate assistance is urgently needed.

To clarify that , I Mr. Gurdev Singh was not at fault why my appeal form did not arrived with the Board of Appeals on time, but instead it was the mail man Officer Mr. Corona, who failed to comply with the service that I clearly request Mr. Corona that needed to be done under with which was "overnight service or next day service".

I made sure that he had enough money for the next day service. I gave him an amount of \$19.00 dollars in cash, to make sure he had enough money for the "next day service" that I clearly requested Officer Mr. Corona, that needed to be done under.

Action requested: I humbly request, that a higher officer from I.C.E. contact the Board of Appeals, to clarify this crucial inconvenience to explain to the board clerk or higher supervisor member, that I was not at fault why my appeal form did not arrived to the Board of appeals on time because it is a severe crucial matter for me and my family.

Board of Immigration Appeals
Telephone: (703) 605-1007

Thanks in advance
Respectfully Submitted,
Mr. Gurdev Singh
A# 42-967-796

Gurdev Singh

Monday 26, of February 2007
Date;

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U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

SINGH, GURDEV
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243-0000

U.S. DHS - Trial Attorney Unit/ELC
1115 N. Imperial Ave.
El Centro, CA 92243

Name: SINGH, GURDEV

A42-967-796

Type of Proceeding: Removal

Date of this notice: 03/02/2007

Type of Appeal: Case Appeal

Filed by: Alien

FILING RECEIPT FOR APPEAL

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 03/01/2007 in the above-referenced case.

PLEASE NOTE:

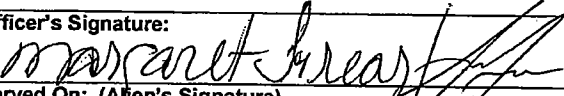
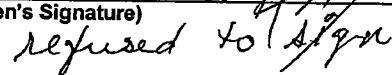

In all future correspondence or filings with the Board, please list the name and alien registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for every family member who is included in this appeal.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the DHS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

WARNING: If you leave the United States after filing this appeal but before the Board issues a decision, your appeal will be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. section 1001.1(q)).

Warning for Failure to Depart

Name: Singh Gurdev	Field Office: SND/ECC	File #: A42-967-796
Section 243(a) of the Immigration and Nationality Act provides, in part, that: Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a) who-- (A) Willfully fails or refuses to depart from the United States within a period of 90 days* from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court, (B) Willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure, (C) Connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or (D) Willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order, Shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both. Nothing in this section shall make it a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody. Any action the Immigration and Naturalization Service may take to obtain a travel document for your departure or to remove you will NOT relieve you of the liability for compliance with the provisions of law referred to in the first paragraph above. * Section 241(a)(1)(C) provides for the extension of the statutory removal period if the alien refuses, during the removal period, to Make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent The alien's removal subject to an order of removal.		
Date Order Final: January 24, 2007	Ordered Removed under Section: 237(a)(2)(A)(iii), 237(a)(2)(E)(I)	
Record of Service (Check method used)		
Record of Personal Service		
Served By: (Print Name and Title of Officer) Margaret Frear, Immigration Enforcement Agent		Date: March 1, 2007
Officer's Signature: 	Location of Service: El Centro Processing Center El Centro Ca, 92243	
Served On: (Alien's Signature) 		Date: March 1, 2007
Warning administered in Court (Copy of order attached)		Record of Personal Service (Cont.)
Certified Mail Service		Fingerprint of Alien (Specify finger used)
Attach certified mail receipts here.		Right Index 

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
IMPERIAL, CA

Mar 7, 2007

A 42-967-796
SINGH, GURDEV

TO: Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

This Record of Proceeding (ROP) is forwarded to the Board of Immigration Appeals for consideration of the following:

- ☒ Appeal of the Immigration Judge decision.
- ☐ Appeal of Immigration Judge decision on a motion to reopen.

Please note:

- ☐ The respondent / applicant is DETAINED.
- ☐ Other. _____

- ☐ This ROP is for an appeal on a decision entered prior to July 1, 1996. This ROP is being submitted to APU at the following stage:

- ☒ Notice of Appeal filed. Tapes need to be transcribed.
- ☐ IJ has signed decision. Briefing schedule needs to be set.
- ☐ Motion for Extension of Time to Extend Briefing Schedule has been submitted.
- ☐ Briefing Schedule is complete / expired.

PZ



Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 220414/6/07
El Centro Trial Attorney

APR 04 2007

SINGH, GURDEV
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243-0000U.S. DHS - Trial Attorney Unit/ELC
1115 N. Imperial Ave.
El Centro, CA 92243

Name: SINGH, GURDEV

A42-967-796

Date of this notice: 03/30/2007

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
HESS, FRED

Sponsor

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U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A42 967 796 - El Centro

Date:

MAR 30 2007

In re: GURDEV SINGH

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ORDER:

PER CURIAM. On January 24, 2007, an Immigration Judge ordered the respondent removed from the United States to India, and the respondent reserved the right to appeal the decision. A Notice of Appeal (Form EOIR-26) must be filed within 30 calendar days of an Immigration Judge's oral decision. 8 C.F.R. § 1003.38. The appeal was accordingly due on or before February 23, 2007. The record reflects, however, that the Notice of Appeal was not filed until February 29, 2007. In conjunction with the appeal, the respondent explains that while he asked the postmaster to send his appeal "next day service", the post office failed to comply with his request. The Department of Homeland Security has not responded to the respondent's filing.

We do not find the respondent's explanation sufficient to consider this appeal under our *sua sponte* authority or to authorize the appeal by certification. See 8 C.F.R. § 1003.1(c); *Matter of J-J*, 21 I&N Dec. 976 (BIA 1997) (Board will exercise its *sua sponte* authority only in an "exceptional situation"). See also *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1184 (9th Cir. 2001) (en banc). Accordingly, we find that the appeal is untimely. The Immigration Judge's decision is now final, and the record is returned to the Immigration Court without further action. See 8 C.F.R. §§ 3.3(a), 3.38, 3.39, 240.14 and 240.15.



FOR THE BOARD

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U.S. Department of Homeland Security
El Centro Service Processing Center
1115 North Imperial Avenue
El Centro, California 92243



U.S. Immigration And Customs Enforcement

April 10, 2007

Consulate General of India
540 Arguello Blvd.
San Francisco, CA. 94118

Subject: SINGH, GURDEV

A42 967 796

Dear Sir/Madam:

The above named subject is presently detained at the El Centro Service Processing Center, El Centro, California, under deportation proceedings.

We are submitting the following items for your consideration in the issuance of the necessary travel documents to enable your subject to return home:

Service Form I-217 (2)
Service Form I-213 (1)
Service Form I-862 (1)

Please feel free to contact SDDO Ron Batley , regarding any issues or concerns at (760) 336-4600 extension 4607.

Sincerely,

M. FREAR
Deportation Officer

Enclosures (2)
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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U.S. Department of Homeland Security
El Centro Service Processing Center
1115 North Imperial Avenue
El Centro, California 92243



U.S. Immigration And Customs Enforcement

April 10, 2007

Subject: SINGH, GURDEV

A42 967 796

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Sincerely,

M. FREAR / IEA
Deportation Officer

Enclosures (2)
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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Warning for Failure to Depart

Name: SINGH, GURDEV	Field Office: SND/ECC	File #: A42-967-796
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Section 243(a) of the Immigration and Nationality Act provides, in part, that:

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a) who--

- (A) Willfully fails or refuses to depart from the United States within a period of 90 days* from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,
- (B) Willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,
- (C) Connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or
- (D) Willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,

Shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both.

Nothing in this section shall make it a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

Any action the Immigration and Naturalization Service may take to obtain a travel document for your departure or to remove you will *NOT* relieve you of the liability for compliance with the provisions of law referred to in the first paragraph above.

* Section 241(a)(1)(C) provides for the extension of the statutory removal period if the alien refuses, during the removal period, to Make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent The alien's removal subject to an order of removal.

Date Order Final: April 11, 2007	Ordered Removed under Section: 237(a)(2)(A)(iii), 237(a)(2)(E)(i)
--	---

Record of Service
(Check method used)

Record of Personal Service	
Served By: (Print Name and Title of Officer) Margaret Frear, Immigration Enforcement Agent	Date: April 11, 2007
Officer's Signature: <i>Margaret Frear</i>	Location of Service: El Centro Processing Center El Centro Ca, 92243
Served On: (Alien's Signature) <i>Refused to sign</i>	Date: APRIL 11, 2007

Warning administered in Court (Copy of order attached)	Record of Personal Service (Cont.)
Certified Mail Service	Fingerprint of Alien (Specify finger used)
Attach certified mail receipts here.	<i>Refused to be finger printed</i>

*Office of Detention and Removal Operations
San Diego Field Office*U.S. Department of Homeland Security
880 Front Street
San Diego, CA 92101**U.S. Immigration
and Customs
Enforcement**SINGH, Gurdev
C/O El Centro Service Processing Facility
1115 N. Imperial Avenue
El Centro, CA 92243

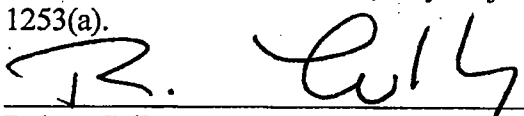
A42-967-796

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE's reviewing officials.

Based on the file review and the information you provided, I have determined the following factors. You have an extensive criminal record that includes Disturbing the Peace, Battery, Spousal Abuse and multiple DUI violations, clearly indicating that you have a serious alcohol problem. Your alcohol problem poses a danger to the community if you are released from custody. You have admitted that you become angry when you drink. You do not have any vocational training or extensive experience in any field. You have indicated that you are a seasonal farm worker and collect unemployment benefits when not employed. You have not provided this office with any employment prospects if released. Based on your criminal behavior and subsequent convictions, the Agency believes that you pose a threat to the community pursuant to 8CFR 241.14. In addition, your petition for review is pending before the U.S. Court of Appeals for the Ninth Circuit. Therefore, it is in the Agency's best interest to have you remain in ICE custody until a decision is rendered on that review.

Based on the above, you are to remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal, and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to effect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).


Robert Culley, Deputy Field Office Director, San Diego, CA7/5/7
Date

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Decision of Post Order Custody Review - Detain

A42-967-796 SINGH, Gurdev

Page 2

PROOF OF SERVICE**(1) Personal Service (Officer to complete both (a) and (b) below.)**

(a) I MUIKEY, Randolph, D.O.
Name of ICE Officer Title
 certify that I served SINGH, GURDEV with a copy of
Name of detainee
 this document at ECC/SOL on 7/12/07 at 0800
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
 _____, at _____, on
Title Institution
 _____ with a copy of this document.
Date

OR**(2) Service by certified mail, return receipt. (Attach copy of receipt)**


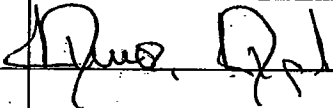
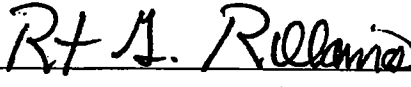
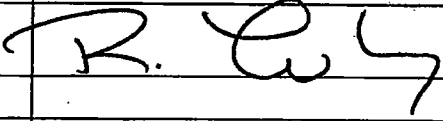
I _____, _____, certify
Name of ICE Officer Title
 that I served _____ and the custodian _____,
Name of detainee Name of Official
 with a copy of this document by certified mail at _____ on _____.
Institution Date

Gurdev Singh



- () cc: Attorney of Record or Designated Representative
 () cc: A-File

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ICE Staff Routing Sheet				
TO: Robert F. Baker, FOD		THRU: Official Channels		SUSPENSE DATE:
SUBJECT: Post Order Custody Review				
EXECUTIVE SUMMARY:				
1. <u>Purpose.</u> POST ORDER CUSTODY REVIEW = CONTINUE DETENTION				
2. <u>Discussion.</u>				
3. <u>Recommendation.</u> DETAIN: SINGH, Gurdev A42-967-796				
CONCURRENCES				
NAME	OFFICE	SIGNATURE	DATE	COMMENTS
Ron Batley, SDDO ECC/SPC	ECC		7/2/07	DETAIN
Miguel Munoz, AOIC ECC/SPC	ECC		7/2/2007	Concur
Robert G. Rillamas, AFOD ECC/SPC	ECC		7/2/07	Concur
Robert Culley, DFOD San Diego, CA.	SND		7/5/7	Concur
ACTION OFFICER/OFFICE/EXTENSION: G. Lopez		DATE: 06/14/2007		

→ Correct \div Return.

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POST ORDER CUSTODY REVIEW WORKSHEET

Detainee Name: SINGH, Gurdev

AKA(s):

Date of Birth: June 21, 1991

A Number: 42 967 796

Place of Birth: Bohani

Nationality: India

Date of Last Arrival: 06/26/1991

Place of Arrival: San Francisco, CA.

Status at Last Entry: P5-1

Last Date into ICE Custody: October 24, 2006

Entered ICE Custody from: ☒ **Local, State, or Federal Institution**
Institution Name/Location: Centinela State Prison
BOP/ Institution Numbers: F03134
☐ **Other:**

Deportation Case Officer: M. Sandoval
Contact Phone #: (760) 336-4658

Review Date: June 13, 2007

DCO: ECC

Detained Location: El Centro Service Processing Facility, 1115 Imperial Ave, El Centro, CA

Deportation/Exclusion/Removal Proceedings

List all Charges: ☒ Section 237 (a) (2)(A)(iii)
☐ Section 212 (a)
☐ Section 241 (a)

☒ Under Final Order dated: By ☐ IJ ☒ BIA: March 30, 2007 ☐ Other:

☐ Appeal Waived/Appeal Time Elapsed

Habeas filed: ☒ No ☐ Yes

Stay Issued in Case: ☐ No ☒ Yes

Legal Representative / Attorney

G-28 Filed: ☒ Yes ☐ No

Notification of Review Made: ☐ No ☒ Yes **By:** Gerardo Lopez (I.E.A.)

Name of Representative / Attorney: Gopalan Nair Attorneys at Law

Mailing Address: **Telephone Number:** (510) 657-6107

Present during interview: ☐ Yes ☐ No

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Immigration History: (Prior ICE arrest[s]/parole/bond/custody information/adjustment/benefits granted (TPS, DED, withholding, etc.))

On June 26, 1991 Mr. Singh was admitted into the United States at San Francisco, CA, as an Immigrant with a P5-1 classification. On September 18, 2006, he was encountered by Deportation Officer Prendergast while incarcerated at Centinela State Prison. Deportation Officer Prendergast served him with a Notice to Appear and charged him with violating Section 237(a)(2)(A)(iii) and Section 237(a)(2)(E)(i) of the Immigration and Nationality Act. On January 24, 2007, an Immigration Judge ordered him removed from the United States to the country of India. Mr. Singh reserved appeal.

On March 01, 2007, the Board of Immigration Appeals (BIA) received Mr. Singh's appeal. On March 30, 2007, BIA dismissed the appeal stating that Mr. Singh had not filed the appeal on time, and found that the Immigration Judge's decision was final.

Mr. Singh was told that he needed to provide information to help obtain a travel document from the consulate of India and he refused.

On April 11, 2007, form I-229 (a) and Instruction Sheet were served on Mr. Singh. He refused to sign and be fingerprinted but nonetheless, he was provided with a copy of each.

On April 13, 2007, a request for the issuance of a travel document was sent to the Consulate of India located in San Francisco, CA. That request is pending as of today.

On April 24, 2007, Mr. Singh filed to the U.S. Court of Appeals for the Ninth Circuit, case #07-71577. That appeal is pending as of June 13, 2007.

NCIC Checks:

☒ Criminal History
(State and Federal)

☐ No record Found

Criminal History: (list convictions, sentence, date, court, and include a summary of other NCIC arrests, failures to appear, etc.)

Convicted on August 08, 1996, in the City of Yuba, CA. for the offense of Disturbing the Peace by Loud/Unreasonable Noise in violation of Section 415(2) of the California Penal Code and for Battery in violation Section 242 of the California Penal Code. For these offenses, a term of 24 months probation and 30 days in jail was imposed.

Arrested and charged on February 19, 1997, in the City of Yuba, CA. for the offense of Hit and Run: Property Damage, in violation of Section 20002(A) of the California Vehicle Code. Disposition not available.

Convicted on September 18, 2002, in the Superior Court of California in the county of Sutter, for the offense of Spousal Abuse, in violation of Section 273.5(a) of the California Penal Code. For this offense a term of 3 years in prison was imposed.

Convicted on October 19, 2005, in the Superior Court of California in the county of Sutter, for the offense of Felony DUI with Priors, in violation of Section(s) 23152(a)/23550.5 of the California Vehicle Code. For this offense a term of two years in prison was imposed. Mr. Singh had multiple DUI violations prior to this conviction.

(Please see arrest record)

(DO NOT FORWARD A COPY OF THE NCIC PRINTOUT TO HQCDU)

Institutional / Disciplinary Record

Did the detainee have prior Disciplinary Reports?

☐ Yes

☒ No

If Yes, List & Describe:

Source:

Disciplinary reports and incidents while in ICE Custody?

☐ Yes

☒ No

If Yes, List & Describe:

Source:

Specifics of Review

Date of File Review: June 13, 2007

Date of Detainee Interview: (optional)

Location of Interview:

Reviewing/Interviewing Officer: #1: Gerardo Lopez (Immigration Enforcement Agent)

#2:

Interpreter Used: (If subject was interviewed)

☐ Yes

☒ No

Name:

Language/Dialect:

Discussion at interview/review:

The review conducted on today's date is a file review pursuant to the permanent custody review procedures published in the Federal Register on December 21, 2000. Therefore, a personal interview was not conducted.

Travel Document Status/History:

List aliens attempts to get travel documents and status (to include any actions alien has taken to *prevent* removal, and date of service of I-229(a) and Instruction Sheet to Detainee):

On April 13, 2007, a request for the issuance of a travel document was sent to the Consulate of India located in San Francisco, CA. Request is pending as of today.

On April 11, 2007, form I-229 (a) and Instruction Sheet were served on Mr. Singh. He refused to sign and be fingerprinted on form I-229(a).

List ICE's attempts to obtain a travel document and status:

On April 13, 2007, a request for the issuance of a travel document was sent to the Consulate of India located in San Francisco, CA. Request is pending as of today.

On March 11, 2007, form I-229 (a) and Instruction Sheet were served on Mr. Singh. He refused to sign and be fingerprinted on form I-229(a).

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Does the detainee have a place to live in the United States?

☒ Yes ☐ No

1450 Whyler RD. #32 .

Yuba City, CA. 95993 Tel: (530) 822-9922

(Sukhvinder, Kaur, Wife)

Is the detainee subject to any parole or probation requirements?

☒ Yes ☐ No

Mr. Singh is subject to parole if released from ICE custody.

Does the detainee have close family ties within the United States?

☒ Yes ☐ No

Ms. Kaur, Tirath, age 21, (daughter) / Mr. Singh, Raghbir, age 18 (son)

1450 Whyler Rd. #32

Yuba City, Ca. 95993 Tel: (530) 822-9922

Does the detainee have community ties or non-governmental sponsors?

☒ Yes ☐ No

Mr. Singh, Harbinder

1930 Nevada St. Tel: (530) 846-0170

Gridley, Ca. 95948

Does the detainee have any employment prospects?

☐ Yes ☒ No

Mr. Singh has not provided any documentation.

What is the detainee's employment history?

Mr. Singh claims to have been employed at a Seven Eleven convenience store.

He also claims to be a seasonal farm worker who collects unemployment benefits when not employed.

What is the detainee's educational level?

Mr. Singh attended school up to the 8th grade.

Does the detainee have any vocational training?

☐ Yes ☒ No

Mr. Singh does not have any vocational training.

Has the detainee submitted any evidence of rehabilitation, courses while in prison, etc?

Mr. Singh has not provided any documentation.

Medical/Psychological Concerns

Does the detainee have any medical or psychological issues:

☒ Yes ☐ No

Description (to include Date and Source):

Service file indicates that Mr. Singh suffers from diabetes and a bad knee.

Other documentary evidence for consideration in this review (include any documentation submitted by detainee):

Mr. Singh has provided two letters from two different employers for this review.

Special Circumstances Concerns

Does the detainee appear to meet any of the criteria of 8 CFR 241.14 for continued detention?

☒ No ☐ Yes (indicate below):

- ☐ Aliens with a Highly Contagious Disease that is a Threat to Public Safety [8 CFR § 241.14(b)].
- ☐ Aliens Detained on Account of Serious Adverse Foreign Policy Consequences of Release [8 CFR § 241.14(c)].
- ☐ Aliens Detained on Account of Security or Terrorism Concerns [8 CFR § 241.14(d)].
- ☐ Detention of Aliens Determined to be Specially Dangerous [8 CFR § 241.14(f)]. Aliens who pose a threat to the public because they have committed a crime of violence, have a mental disorder and behavior associated with the disorder, and are likely to be violent in the future.

All cases that may possibly meet any of these provisions must be coordinated with HQCDU per existing guidance.

Officer Comments/Analysis & Recommendation

On June 26, 1991 Mr. Singh was admitted into the United States at San Francisco, CA, as an Immigrant with a P5-1 classification. On September 18, 2006, he was encountered at Centinela State Prison by Deportation Officer S. Pendergast. Mr. Singh was serving a 3 year sentence after having been convicted of Spousal Abuse and DUI with priors. He was served with a Notice to Appear (NTA) and charged with violating Section 237(a)(2)(A)(iii) and Section 237(a)(2)(E)(i) of the Immigration and Nationality Act. Mr. Singh was subsequently placed in Immigration Proceedings.

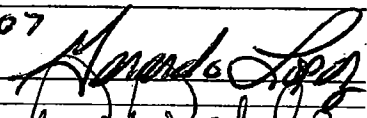
On June 24, 2007, Mr. Singh was ordered removed to India by an Immigration Judge. Mr. Singh exercised his right to appeal the Judge's decision. On March 01, 2007, he filed his appeal before the Board of Immigration Appeals. On March 30, 2007, the BIA dismissed the appeal, therefore, making the Judge's decision final. On April 24, 2007, Mr. Singh filed a petition for review before the U.S. Court of Appeals for the Ninth Circuit. Case #07-71577 is pending with a Stay of Removal in effect.

Mr. Singh has indicated that he has two children living in the United States. However, he has no other significant community ties in the U.S.

Mr. Singh has an extensive criminal record that includes Disturbing the Peace, Battery, Spousal Abuse and multiple DUI violations, clearly indicating that he has a serious alcohol problem. Mr. Singh's alcohol problem poses a danger to the community if released from custody. He has admitted that he becomes angry when he drinks. He does not have any vocational training or extensive experience in any field. He has indicated that he is a seasonal farm worker and collects unemployment benefits when not employed. He has not provided this office with any employment prospects if released. Based on his criminal behavior and subsequent convictions, he poses a threat to the community pursuant to 8CFR 241.14. Therefore, it is in the best interest of the Agency to have Mr. Singh on continued detention until his removal is effected.

Gerardo Lopez
Immigration Enforcement Agent

Date: 6/14/07

Signature: 

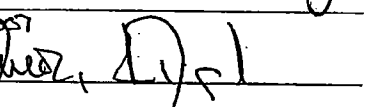
Ron Batley, Supervisory Detention &
Deportation Officer for ECC/SPC

Date: 6/14/07

Signature: 

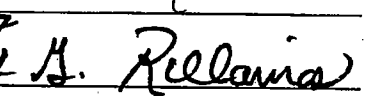
Miguel Munoz
Assistant Officer in Charge

Date: 6/29/2007

Signature: 

Robert G. Rillamas
Assistant Field Office Director, ECC

Date: 7/2/07

Signature: 

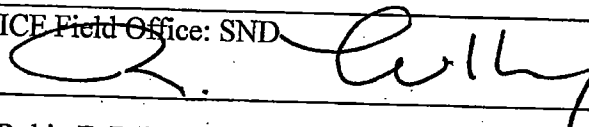
DECIDING OFFICIAL'S CUSTODY DETERMINATION

- ☐ RELEASE FROM CUSTODY / ORDER OF SUPERVISION
- ☐ CONTINUE IN CUSTODY - RETAIN CUSTODY JURISDICTION
- ☐ CONTINUE IN CUSTODY - REFER TO HQCDU

Comments:

[Redacted Signature Box]

ICE Field Office: SND


Robin F. Baker, Field Office Director, San Diego, CA

7/5/7
Date

ROBERT M. CULLEY
DEPUTY FIELD OFFICE DIRECTOR
DRO SAN DIEGO, CA

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General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 07-71577 Singh, et al v. Mukasey Appeal From: Board of Immigration Appeals	Docketed: 04/25/2007
Case Type Information: 1) agency 2) review 3) San Diego Southern California	
Originating Court Information: District: BIA-1 : A42-967-796 Date Filed: 04/24/2007	
Prior Cases: None	
Current Cases: None	

GURDEV SINGH Petitioner	Gopalan Nair, Esq., Attorney Direct: 510/657-6107 Fax: 657-6914 [COR LD NTC Retained] Suite 1A 39737 Paseo Padre Parkway Fremont, CA 94538-0000
v.	
MICHAEL B. MUKASEY, Attorney General Respondent	Ronald E. LeFevre, Esq. [LD NTC Government] OFFICE OF THE DISTRICT COUNSEL Department of Homeland Security P.O. Box 26449 San Francisco, CA 94126-6449 OIL, Esq.

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[COR LD NTC Government]
DOJ - U.S. DEPARTMENT OF JUSTICE
Civil Div./Office of Immigration Lit.
P.O. Box 878, Benjamin Franklin Station
Washington, DC 20044-0000

GURDEV SINGH,

Petitioner

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent

- 04/25/2007 1 FILED AS OF 4/24/07. INS Petition for REV and Motion for Stay. Docketed Cause and Entered Appearance of Counsel. Pursuant to G.O. 6.4(c)(1)(3) A TEMPORARY STAY OF REMOVAL IS IN EFFECT pending further order. The schedule is set as follows: Pursuant to G.O. 6.4(c)(1)(3), the schedule is set as follows: Cert. Admin. Record due 6/19/07 Response to motion for stay due 7/17/07 for Alberto R. Gonzales MOATT [07-71577]
- 04/25/2007 2 Filed AS OF 4/24/07 Petitioner Gurdev Singh's motion to stay deportation (see schedule above) [07-71577] served on 4/24/07 [6156096] MOATT [07-71577]
- 04/25/2007 3 Verified that Petitioner's counsel of record has been admitted to practice in this court. [07-71577]
- 08/03/2007 6 Filed order MOATT (snr) The absence of a timely response to the stay motion is construed as a statement of non-opp to the stay motion. Accordingly, the temporary stay continues in effect until issuance of the mandate or further order of the court. The admin record is due 8/31/07. The opening brief is due 11/29/07; the answering brief is due 1/28/08. [07-71577]
- 11/26/2007 7 Filed Petitioner Gurdev Singh's motion to extend time to file petitioner's opening brief until 1/29/08 [07-71577] served on 11/26/07 [6357628] (PROMO) [07-71577]
- 12/03/2007 8 Filed order (Deputy Clerk: gss) The petitioner's motion for an ext of time to file the opening brief is construed as a motion to amend the

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briefing schedule due to the absence of the admin record. The petitioner's motion to amend the briefing schedule is granted. The admin record is due 12/28/07. The briefing schedule is amended as follows: the opening brief is due 3/27/08; the answering brief is due 5/28/08. [07-71577]

- 03/26/2008 9 Filed Petitioner Gurdev Singh's motion to extend time to file petitioner brief until 05/27/2008. Served on 03/26/2008.
- 03/28/2008 10 Filed clerk order (Deputy Clerk:GSS): Setting schedule as follows: Petitioner opening brief due 07/21/2008 for Gurdev Singh. Respondent brief due 09/19/2008 for Michael B. Mukasey, Attorney General. Appellant's optional reply brief is due 14 days after service of the answering brief.
- 04/10/2008 11 Electronic Certified Administrative Record Filed. Number of Disks (CD-ROMs or DVDs): 1.

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